

ORDINANCE NO. 96- 36

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED, AMENDING THE TEXT OF THE **TRAFFIC CIRCULATION ELEMENT** AND MODIFYING THE **THOROUGHFARE RIGHT OF WAY IDENTIFICATION MAP** (FOR LAKE WORTH ROAD, FLYING COW ROAD, AND AERO CLUB DRIVE) AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on April 19, April 26, and May 10, 1996, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on May 20, 1996, to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on August 9, 1996, the Department of Community Affairs "Objections, Recommendations, and

1 Comments Report," dated August 7, 1996, which was the Department's
2 written review of the proposed Comprehensive Plan amendments; and

3 **WHEREAS**, on September 4, 1996, the written comments submitted
4 by the Department of Community Affairs, and the Planning Division's
5 response to the written comments, were distributed to the Palm
6 Beach County Local Planning Agency for review, and to make
7 recommendations regarding adoption of the Comprehensive Plan
8 amendments; and

9 **WHEREAS**, on September 26, 1996, the Palm Beach County Board of
10 County Commissioners held a public hearing to review the written
11 comments submitted by the Department of Community Affairs and to
12 consider adoption of the amendments; and

13 **WHEREAS**, the Palm Beach County Board of County Commissioners
14 has determined that the amendments as modified satisfy the concerns
15 addressed in the Department of Community Affairs' "Objections,
16 Recommendations and Comments Report" and comply with all
17 requirements of the Local Government Comprehensive Planning and
18 Land Development Regulations Act.

19 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
20 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

21 **Part I. Amendments to the 1989 Comprehensive Plan**

22 Amendments to the text of the Traffic Circulation Element and
23 modifying the Thoroughfare Right of Way Identification Map (for
24 Lake Worth Road, Flying Cow Road, and Aero Club Drive) of the Palm
25 Beach County 1989 Comprehensive Plan are hereby adopted and are
26 attached to this Ordinance in Exhibit 1.

27 **Part II. Repeal of Laws in Conflict**

28 All local laws and ordinances applying to the unincorporated
29 area of Palm Beach County in conflict with any provision of this
30 ordinance are hereby repealed to the extent of such conflict.

31 **Part III. Severability**

32 If any section, paragraph, sentence, clause, phrase, or word
33 of this Ordinance is for any reason held by the Court to be
34 unconstitutional, inoperative or void, such holding shall not
35 affect the remainder of this Ordinance.

1 Part IV. Inclusion in the Code of Laws and Ordinances

2 The provision of this Ordinance shall become and be made a
3 part of the code of laws and ordinances of Palm Beach County,
4 Florida. The Sections of the Ordinance may be renumbered or
5 relettered to accomplish such, and the word "ordinance" may be
6 changed to "section," "article," or any other appropriate word.

7 Part V. Effective Date

8 The effective date of this plan amendment shall be the date a
9 final order is issued by the Department of Community Affairs or
10 Administration Commission finding the amendment in compliance in
11 accordance with Section 163.3184, Florida Statutes, whichever
12 occurs earlier. No development orders, development permits, or
13 land uses dependent on this amendment may be issued or commence
14 before it has become effective. If a final order of noncompliance
15 is issued by the Administration Commission, this amendment may
16 nevertheless be made effective by adoption of a resolution
17 affirming its effective status, a copy of which resolutions shall
18 be sent to the Department of Community Affairs, Bureau of Local
19 Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

20 **APPROVED AND ADOPTED** by the Board of County Commissioners of
21 Palm Beach County, on the 26 day of September, 1996.

22 ATTEST:
23 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

24 By: Joan H. Wilken
25 Deputy Clerk

By: [Signature]
Chair

26 APPROVED AS TO FORM AND
27 LEGAL SUFFICIENCY

28 [Signature]
29 COUNTY ATTORNEY

30 Filed with the Department of State on the 3rd day
31 of October, 1996.

EXHIBIT 1

Transportation Element Amendment

Location: Thoroughfare Right of Way Identification Map (TIM)

Amendment: To delete the following roadway segments from the TIM:

- 1) Lake Worth Road from South Shore Boulevard west to Southern Boulevard (SR 80);
- 2) Flying Cow Road from Lake Worth Road to SR 80; and,
- 3) Aero Club Drive (Palm Beach Point Boulevard) from Lake Worth Road to Greenbriar Boulevard.

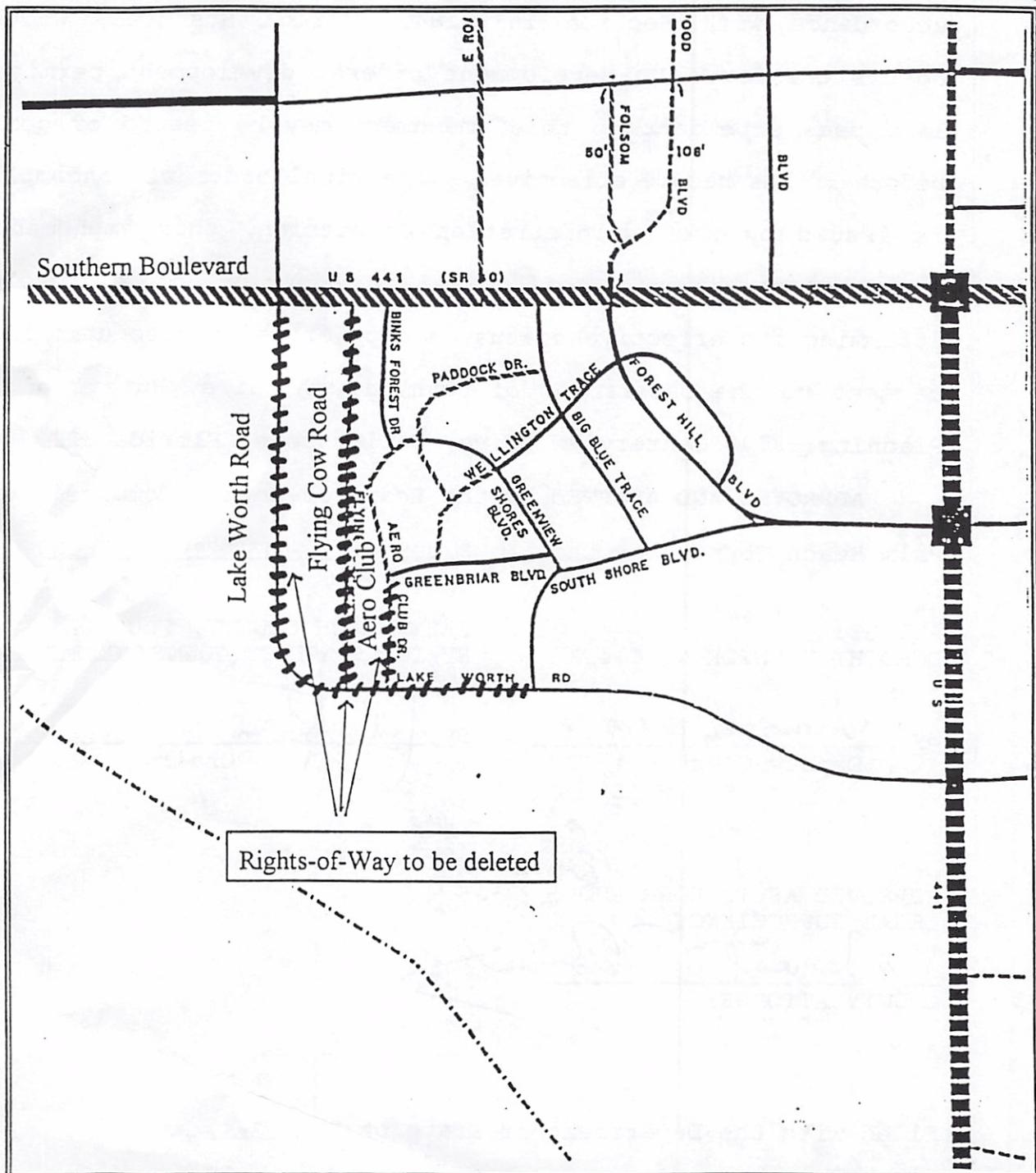


Exhibit 1

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 9/26/96
DATED at West Palm Beach, FL on 10/11/96.
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.C.

Ordinance 96-

8 call

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM CODRS CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

COUNTY: (<u>Palm Beach</u>)	COUNTY ORDINANCE # (<u>87-17</u>) <small>(e.g., 82-001)</small>
PRIMARY KEYFIELD	
DESCRIPTOR: (<u>Comprehensive Planning</u>)	
SECONDARY KEYFIELD	
DESCRIPTOR: (<u>Land Use Planning</u>)	
OTHER KEYFIELD	
DESCRIPTOR: (_____)	
ORDINANCE DESCRIPTION: (<u>Plan Text Amendment</u>) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: (_____); AMENDMENT # 2: (_____)	
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: (_____); REPEAL # 3: (_____);	
REPEAL # 2: (_____); REPEAL # 4: (_____);	
(Others repealed: list all that apply): _____	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: (_____)
KEYFIELD 1 CODE: (_____)	KEYFIELD 2 CODE: (_____)
KEYFIELD 3 CODE: (_____)	<small>Rev. 1/23/85</small>